

HOUSE BILL REPORT

HB 1550

As Reported by House Committee On:

State Government

Title: An act relating to ensuring that regulatory information and assistance is available to Washington citizens through an office of regulatory assistance.

Brief Description: Revising the duties of and renaming the office of permit assistance.

Sponsors: Representatives Linville, Armstrong, Haigh, Buck, Schual-Berke, McDermott and Conway.

Brief History:

Committee Activity:

State Government: 2/6/03, 2/14/03 [DPS].

Brief Summary of Substitute Bill

- Renames the Office of Permit Assistance to the Office of Regulatory Assistance.
- Requires that a director be hired no later than June 1, 2003.
- Requires the development of a web site to be linked through the Office of the Governor's web site.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Marsha Reilly (786-7135).

Background:

The Permit Assistance Center (PAC) was created in 1995 in the Department of Ecology (DOE) to provide the public with information regarding environmental permitting laws and assistance to businesses and public agencies in complying with these laws. In

addition to other requirements, the PAC was directed to develop and provide a coordinated state permitting procedure that project applicants could use at their option and expense and was authorized by statute to recover costs for this coordinated permit process.

Statutory provisions for the PAC were subject to a sunset review. Although the Joint Legislative Audit and Review Committee (JLARC) prepared a sunset review recommending reauthorization, the PAC's statutory provisions expired on June 30, 1999. An appropriation in the 1999-2001 budget continued funding for the PAC operations, and it continues to operate within the DOE.

In 2002 legislation was enacted to transfer the powers, duties, and functions of the DOE's Permit Assistance Center to a new Office of Permit Assistance (OPA) within the Office of Financial Management (OFM). The OPA provides information services and, upon request, facilitates permitting projects for a cost, or at the OPA expense if it is determined it is in the public interest to do so. In addition to these responsibilities, the OPA:

- develops informal processes for dispute resolution between agencies and project applicants;
- conducts customer surveys to evaluate its effectiveness;
- reviews initiatives developed by the Transportation Permit Efficiency and Accountability Committee to determine if any would be beneficial if implemented for other projects;
- prioritizes expenditures of general fund money to provide services to small project applicants; and
- provides biennial reports to the Legislature on OPA performance, on any identified statutory or regulatory conflicts related to authorities and roles of permit agencies, and on use of outside independent consultants in the coordinated permit process.

The Permit Assistance Advisory assesses the performance of the OPA; reviews annual customer surveys to determine the OPA's effectiveness; and recommends changes to the OPA's performance.

Summary of Substitute Bill:

The OPA is renamed the Office of Regulatory Assistance (ORA). A director for the ORA will be hired no later than June 1, 2003. The ORA will coordinate with state agencies to develop an office web site that is linked through the Office of the Governor's web site. The web site will contain information about regulatory requirements for businesses and citizens of Washington. The web site will also provide information or links to information on the following:

- Federal, state, and local rule-making processes and permit requirements applicable to Washington businesses and citizens;
- Federal, state, and local licenses, permits, and approvals necessary to start and operate a business or develop real property in Washington;
- State and local building codes;
- Federal, state, and local economic development programs available to businesses in Washington; and
- State and local agencies regulating or providing assistance to citizens and businesses operating a business or developing real property in Washington.

Substitute Bill Compared to Original Bill:

Under the substitute bill, language is changed from "environmental permitting" processes to "regulatory" processes. The substitute bill also clarifies that establishing the ORA does not abrogate the authority of any rule-making agency to make decisions on regulations, and it does not constitute a cause for action.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Last year a bill was passed, but with a limited scope. A director has not yet been hired for the program and a web site, other than that already in place through the DOE, has not been developed. It is important that the website be attractive and be linked through the Governor's office web site. The more opportunities we have to get information to the citizen, the better. The web site should be broadened to contain information on how to contact just one person who could help a business through the regulatory requirements. The measure will make the permitting process more streamlined, but it should not come at the expense of the environment.

(With concerns) While this bill takes strong steps toward implementing the recommendations of the Competitiveness Council, the concern is with the cost of implementation and the difficulties of staffing during a hiring freeze. It is an effective bill for the regulatory community.

Testimony Against: None.

Testified: (In support) Representatives Linville, prime sponsor; Representative Armstrong, sponsor; Carolyn Logue, National Federation of Independent Business; Carol Jolly, Governor's Office; and Ivy Sager-Rosenthal, Washington Public Interest Research

Group.

(With concerns) Loren Mike Freeman, Citizen Advocate.